UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION 1:18-cv-00113-RJC

JOHNNY W. ANDERS,)
Plaintiff,)
v.))) ORDER
KILOLO KIJAKAZI,) <u>ORDER</u>)
Acting Commissioner of Social Security,)
Defendant.)))

THIS MATTER is before the Court on Defendant's Consent Motion to Remand this case to the Commissioner for further action. (Doc. No. 11). Under sentence four of 42 U.S.C. § 405(g), "[t]he court shall have the power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." *See also Shalala v. Schaefer*, 509 U.S. 292, 296–97 (1993); *Melkonyan v. Sullivan*, 501 U.S. 89, 98 (1991).

Pursuant to this Court's power to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the Government's request to remand this action for further administrative proceedings, the Court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a remand of the cause to the Commissioner for further proceedings, including a supplemental hearing.

Upon remand, the Administrative Law Judge shall hold a supplemental hearing, assess the nature and severity of the claimant's impairment(s), assess whether the severity of the claimant's

condition meets or equals the requirements of a Listing and, if not, the limitations that could reasonably have resulted from the claimant's impairment(s).

IT IS, THEREFORE, ORDERED, for good cause shown, that Defendant's Consent Motion to Remand, (Doc. No. 11), is **GRANTED**. The Court hereby **REVERSES** the decision of the Commissioner and **REMANDS** this case for further administrative proceedings. The Clerk of Court is directed to enter a separate judgment pursuant to Federal Rule of Civil Procedure 58 and to close this case.

Signed: July 25, 2023

Robert J. Conrad, Jr.

United States District Judge